

EXHIBIT A

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

YETI Coolers, LLC,

Plaintiff,

v.

Wal-Mart Stores, Inc.,

Defendant.

Case No. 1:17-cv-01145-RP

The Honorable Robert L. Pitman

Jury Trial Demanded

**YETI COOLERS, LLC’S SECOND SET OF REQUESTS FOR
PRODUCTION TO WAL-MART STORES, INC. (NOS. 67-95)**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, the Local Rules for the U.S. District Court for the Western District of Texas, and the Definitions and Instructions that follow, YETI Coolers, LLC (“YETI”), requests that Wal-Mart Stores, Inc. (“Walmart”) produce all of the documents and things sought below that are in its possession, custody, or control at the offices of Banner & Witcoff, Ltd., Ten South Wacker Drive, Suite 3000, Chicago, Illinois, 60606, or at such other place as may be mutually agreeable to counsel for the parties, within thirty (30) days of service hereof.

DEFINITIONS AND INSTRUCTIONS

The following definitions and instructions apply to YETI’s discovery requests in this case:

1. The definitions and instructions set forth in YETI’s Second Set of Interrogatories to Wal-Mart Stores, Inc. are incorporated herein specifically by reference.

REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS

Request No. 67

Please produce all documents and things concerning practices, policies, and/or procedures

Walmart put in place to comply with the Settlement Agreement.

Request No. 68

Please produce all documents and things concerning actions Walmart has taken to comply with the Settlement Agreement.

Request No. 69

Please produce all documents and things concerning Walmart's decision(s) not to take actions to comply with the Settlement Agreement.

Request No. 70

Please produce all documents and things concerning practices, policies, and/or procedures for the Walmart Marketplace and/or www.walmart.com, including all practices, policies, and/or procedures for any and all third-party sellers selling products on, and/or listing products appearing on, www.walmart.com.

Request No. 71

Please produce all documents and things concerning Walmart's monitoring of the Walmart Marketplace and/or www.walmart.com, including reviews of sellers using the Walmart Marketplace and/or www.walmart.com, and including reviews of products offered for sale on and/or appearing on, www.walmart.com.

Request No. 72

Please produce all documents and things concerning Walmart's control over the Walmart Marketplace and/or www.walmart.com, including control over the content submitted by any seller, control over any product listings submitted by, containing, or otherwise reflecting content provided by any seller, and/or control over any reviews of sellers using the Walmart Marketplace and/or www.walmart.com, and/or control over any reviews of products appearing on www.walmart.com.

Request No. 73

Please produce all documents and things concerning Walmart's revenues and profits from sales of Accused Products appearing on www.walmart.com, including the revenues and profits from sales by third-party sellers.

Request No. 74

Please produce all documents and things concerning agreements, notices, terms of use, practices, policies and/or procedures for use of the Walmart Marketplace and/or www.walmart.com.

Request No. 75

Please produce all documents and things concerning Walmart's efforts to monitor for, stop, or prevent advertising, offering for sale, sale, advertising, and/or distributing of infringing products or counterfeit products on www.walmart.com.

Request No. 76

Please produce all documents and things concerning Walmart's decision(s) not to monitor, stop, or prevent advertising, offering for sale, sale, advertising, and/or distributing of infringing products or counterfeit products on www.walmart.com.

Request No. 77

Please produce all documents and things concerning consumer reviews, complaints, feedback, or other communications concerning the Accused Products or those identified in Interrogatory No. 2.

Request No. 78

Please produce all documents and things concerning any advertising or promotion of any of the Accused Products by Walmart on www.walmart.com, or any other website, or through any

other medium or social media to which Walmart has any control.

Request No. 79

Please produce all documents and things concerning any services provided by Walmart in connection with the sale and/or delivery of any of the Accused Products, including but not limited to shipping, logistics, and payment processing.

Request No. 80

For each Accused Product, please produce all documents sufficient to show each and every sale of the Accused Product, including for each sale, the identity of the seller, whether the Accused Product was sold on, and/or appeared on, www.walmart.com, the location from which the Accused Product shipped, the identity of the buyer, the location to which the Accused Product was shipped, the total number of Accused Products sold, the unit selling price of the Accused Product, the total value of the sale, and the fee received by Walmart associated with the sale.

Request No. 81

Please produce all agreements, and all documents and things concerning any agreements between Walmart and any seller who lists, or has listed, Accused Products appearing for sale on www.walmart.com, including any agreements that require or allow Walmart to control or limit what is offered for sale by a seller or what appears from a seller on www.walmart.com.

Request No. 82

Please produce all documents and things concerning Walmart's practices, policies, and/or procedures for identifying entities who list, or have listed, products appearing for sale on www.walmart.com that infringe others' intellectual property rights.

Request No. 83

Please produce all documents and things concerning any means available to Walmart to monitor and/or prevent intellectual property rights infringement on www.walmart.com.

Request No. 84

Please produce all documents and things concerning any agreements, any sanctions, penalties, or other actions Walmart takes or has taken with entities who list products appearing on www.walmart.com for sale when Walmart discovers or is informed that a product listed for sale on www.walmart.com infringes another's intellectual property, including products or listings that infringe patents, trademarks, or copyrights.

Request No. 85

Please produce all agreements, and all documents and things concerning Walmart's authority or permission to receive or ship any product on behalf of an entity that lists, or has listed, Accused Products appearing on www.walmart.com.

Request No. 86

Please produce all agreements, and all documents and things concerning Walmart's authority or permission to receive money from a buyer on behalf of an entity that lists, or has listed, Accused Products appearing on www.walmart.com.

Request No. 87

Please produce all agreements, and all documents and things concerning how an entity that lists, or has listed, Accused Products appearing on www.walmart.com pays Walmart for any service Walmart provides, including commissions, or fees imposed by Walmart on a recurring or one-time basis.

Request No. 88

Please produce all documents and things concerning Walmart's receipt or shipment of any Accused Product on behalf of an entity that lists, or has listed, products appearing on www.walmart.com.

Request No. 89

Please produce all documents and things concerning Walmart's receipt of money from any buyer on behalf of any entity that lists, or has listed, Accused Products appearing on www.walmart.com.

Request No. 90

Please produce all documents and things concerning Walmart's receipt of money from any entity that lists, or has listed, Accused Products appearing on www.walmart.com for any service Walmart provides, including commissions, monthly fees, or other fees imposed by Walmart on a recurring or one-time basis.

Request No. 91

Please produce all documents and things concerning instances in which Walmart received allegations of violations of intellectual property rights, including violations related to products or listings appearing on its website, www.walmart.com, and whether or not Walmart took any action.

Request No. 92

Please produce all documents and things concerning any statistics, studies, and/or records that Walmart keeps detailing instances in which it removed product listings appearing on its website, www.walmart.com, due to allegations that the product listing violates intellectual property rights.

Request No. 93

Please produce all documents and things concerning how Walmart decides whether to remove a product listing from its website, www.walmart.com, after receiving a communication alleging that the product listing violates intellectual property rights.

Request No. 94

Please produce all documents and things concerning any actions Walmart has taken after receiving correspondence alleging that a product listing appearing on its website, www.walmart.com, violates intellectual property rights.

Request No. 95

Please produce all documents and things concerning Walmart's response, decision, and/or action after being notified that Accused Products were being sold on www.walmart.com.

Dated: March 30, 2018

Respectfully submitted,

By: /s/ Kevin Dam
Joseph R. Knight
Texas Bar No. 11601275
jknight@ebbklaw.com
Ewell, Brown, Blanke & Knight, LLP
111 Congress Avenue, Suite 2800
Austin, Texas 78701
Telephone: 512.770.4010
Facsimile: 877.851.6384

Joseph J. Berghammer (admitted in the Western
District of Texas)
Illinois Bar No. 6273690
jberghammer@bannerwitcoff.com
Marc S. Cooperman (admitted in the Western
District of Texas)
Illinois Bar No. 6201035
mcooperman@bannerwitcoff.com

Zachary L. Getzelman (admitted in the Western
District of Texas)
Illinois Bar No. 6309067
zgetzelman@bannerwitcoff.com
Kevin Dam (admitted pro hac vice)
Illinois Bar No. 6326791
kdam@bannerwitcoff.com
Banner & Witcoff, Ltd.
Ten South Wacker Drive
Suite 3000
Chicago, IL 60606-7407
Telephone: (312) 463-5000
Facsimile: (312) 463-5001

ATTORNEYS FOR YETI COOLERS, LLC

CERTIFICATE OF SERVICE

I hereby certify on March 30, 2018, a true and correct copy of the foregoing YETI COOLERS, LLC'S SECOND SET OF REQUESTS FOR PRODUCTION TO WAL-MART STORES, INC. (NOS. 67-95) is being served by electronic mail on the following counsel for Walmart:

/s/ Kevin Dam
FOR YETI COOLERS, LLC